

FILED IN CHAMBERS

U.S.D.C. - Atlanta

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JUN 13 2013

James N. Hatten, Clerk
By: *Amicaule*
Deputy Clerk

AIMAR HERERRA,	:	
	:	
Movant	:	CRIMINAL ACTION FILE NO.
	:	1:07-CR-314-2-ODE-JSA
v.	:	
	:	CIVIL ACTION FILE NO.
UNITED STATES OF AMERICA,	:	1:12-CV-3336-ODE-JSA
	:	
Respondent	:	

ORDER

This criminal case is before the Court on the Final Report and Recommendation of United States Magistrate Judge Justin S. Anand filed May 15, 2013 [Doc. 192]. No objections have been filed.

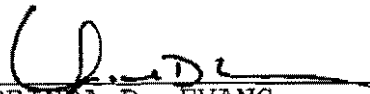
In the Report and Recommendation, the Magistrate Judge recommends that Movant's Motion to Vacate Sentence be denied and that Movant be denied a certificate of appealability. Specifically, the Magistrate Judge found that Movant's Motion to Vacate Sentence is untimely, that she has not demonstrated she is entitled to statutory tolling, that she cannot rely upon Lafler¹ and Frye² to resurrect the limitation period, and that equitable tolling is not warranted.

The Court having read and considered the Report and Recommendation and noting the absence of any objections, it is hereby ADOPTED as the opinion and order of the Court. For the reasons set forth in the Report and Recommendation, the Motion to Vacate Sentence [Doc. 189] is DENIED, and a Certificate of Appealability is DENIED.

¹Lafler v. Cooper, ___ U.S. ___, 132 S. Ct. 1376 (2012).

²Missouri v. Frye, ___ U.S. ___, 132 S. Ct. 1399 (2012).

SO ORDERED, this 13 day of June, 2013.


ORINDA D. EVANS
UNITED STATES DISTRICT JUDGE